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ANTHONY J. EMANUEL
KENNETH BORNSTEIN

GAYLE F. QUAGLIA
SHANE BORNSTEIN

200 Garden City Plaza, Suite 201
Garden City, New York 11530

TELEPHONE (516) 227-3777
FAX (516) 228-3299

NEW YORK CITY OFFICE
BY APPOINTMENT ONLY

November 16, 2020

Via ECF

Honorable Analisa Torres
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Robert H. Booker v. Manhattan Sheraton Corporation
Civil Case No.: 20-cv-1507

Dear Judge Torres:

The undersigned represents Plaintiff, Robert H. Booker in the above entitled matter. At our last conference, held on October 29, 2020, Your Honor directed the parties to contact Magistrate Judge Gabriel W. Gorenstein to schedule a settlement conference. The parties submitted a joint letter to Judge Gorenstein, requesting a settlement conference. Judge Gorenstein scheduled the conference for December 11, 2020 at 10 am.

Pursuant to this court's previous order, expert discovery is to be completed by November 22, 2020. Plaintiff hereby requests, with the consent of the defendant, to extend the deadline to April 15, 2021. Mr. Booker resides in northern California and is 89 years old. His accident occurred in New York, and most of his medical treatment occurred in California. At our last conference, the court stated its preference to have live testimony from Mr. Booker's medical expert, as opposed to previously recorded testimony.

As such, it may become necessary to have Mr. Booker return to New York to be examined by a physician, who would be available to testify at trial, which is scheduled for June 7, 2021. With Covid still an ever present danger, I would like to have an opportunity to try to resolve this case at our conference with Judge Gorenstein, before requiring Mr. Booker to come to New York to be examined. I am requesting April 15, 2021, because I would like to avoid Mr. Booker having to travel



to New York during the coldest part of the winter, with the hope that the Covid threat will have lessened by early Spring, 2021.

The newly requested deadline of April 15, 2021 will not prejudice the defendant. In addition, the proposed extended deadline will not delay the scheduled trial.

I have discussed this matter at length with my adversary Nicole Y. Brown, and there is no objection to this application.

Thank you.

Very truly yours,

BORNSTEIN & EMANUEL, P.C.

By: 

Anthony J. Emanuel, Esq.

cc: Nicole Y. Brown, Esq.
nbrown@wcmlaw.com

GRANTED. By **April 15, 2021**, the parties shall complete expert discovery.

SO ORDERED.

Dated: November 23, 2020
New York, New York



ANALISA TORRES
United States District Judge